GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:217
ANSWERED ON:19.02.2003
GUIDELINES FOR MAINTAINING CONFIDENTIALITY OF AIDS PATIENTS
SRIPRAKASH JAISWAL

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government have issued any guidelines to hospitals and medical institutions for maintaining confidentiality of patients suffering from AIDS;

(b) if so, the details thereof;

(c) whether PGI of Chandigarh has violated the said guidelines; and

(d) if so, the steps being taken by the Government in this regard?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE AND PARLIAMENTARY AFFAIRS (SMT. SUSHMA SWARAJ)

(a) & (b) No, Sir. However the Government of India have announced the National AIDS Prevention and Control Policy in April 2002 it interalia stipulates as under:-

(i). No individual should be made to undergo a mandatory testing for HIV.

(ii) No mandatory HIV testing should be imposed as a precondition for employment or for providing health care facilities during employment. However, in the case of Armed Forces, before employment, HIV screening may be carried out voluntarily with pre-test and post-test counselling and the results may be kept confidential.

(iii) Adequate voluntary testing facilities with pre-test and post-test coulselling should be made available throughout the country in a phased manner. There should be at least one HIV testing center in each district in the country with proper counselling facilities.

(iv) In case a person likes to get the HIV status verified through testing, all necessary facilities should be given to that person and results should be kept strictly confidential. Such results should be given out to the person and with his consent to the members of his family. Disclosure of the HIV status to the spouse or sexual partner of the person shouldinvariably be done by the attending physician with proper counselling. However also be encouraged to share this information with the family for getting proper home-based care and emotional support from the family members.

(v) In case of marriage, if one of the partners insists on a test to check the HIV status of the other partner, such tests should be carried out by the contracting party to the satisfaction of the person concerned.

(c) No such instance has come to the notice of the National AIDS Control Organistaion.

(d) Does not arise.